

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

ERNEST McCOWN CREECH, on  
behalf of himself and all others  
similarly situated,

Plaintiff,

v.

EMERSON ELECTRIC CO. and  
WHITE-RODGERS, a division of  
Emerson Electric Co.

Defendants.

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Case No. 3:15-cv-14

JUDGE WALTER H. RICE

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DECISION AND ENTRY OVERRULING WITHOUT PREJUDICE  
DEFENDANT'S MOTION TO STRIKE OR DISMISS CLASS  
ALLEGATIONS FROM THE SECOND AMENDED CLASS ACTION  
COMPLAINT (DOC. #53)

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This matter is currently before the Court on Defendant's Motion to Strike or Dismiss Class Allegations from the Second Amended Class Action Complaint. Doc. #53. Having reviewed the parties' briefs, Docs. ##53, 59, 60, the Court concludes that it cannot decide the class certification issue without a choice-of-law analysis. Given that neither party has yet provided the Court with a thorough choice-of-law analysis, the Court OVERRULES Defendant's motion as premature. The Court plans to decide the class certification issue only on a fully-briefed motion for class certification, to be filed by Plaintiff at a later date.

The Court will schedule a Preliminary Pretrial Conference, and then issue a Scheduling Order setting appropriate deadlines.

Date: February 27, 2017

A handwritten signature in black ink, appearing to read 'W. H. Rice', is written over a horizontal line.

WALTER H. RICE  
UNITED STATES DISTRICT JUDGE